

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MASSACHUSETTS (EASTERN DIVISION)**

Comcast of Georgia/Massachusetts, Inc. and Comcast of Middletown, Inc. and Comcast of Boston, Inc. and Comcast of California/Massachusetts/ Michigan/Utah, Inc. and Comcast of Maine/New Hampshire, Inc. and Comcast of Massachusetts I, Inc. and Comcast of Massachusetts II, Inc. and Comcast of Massachusetts III, Inc. and Comcast of Massachusetts/New Hampshire/Ohio, Inc. and Comcast of New Hampshire, Inc.	Case No.: <b>04-cv-10414-RCL</b>  <b>AFFIDAVIT OF ATTORNEY IN SUPPORT OF ASSENTED TO MOTION TO AMEND SCHEDULING ORDER</b>
<b>Plaintiffs,</b>  vs.  Joseph Amaro, Dimas Amaro, and Joseph Amaro and Dimas Amaro, Jointly d.b.a. CABLEJOINT and D's Electronics	
<b>Defendants</b>	

Now comes the affiant, and makes this his sworn statement, under the pains and penalties of perjury, of his own personal knowledge.

**FACTUAL ASSERTIONS**

1. I am Counsel for the Plaintiffs in this Action.
2. I sent written discovery to Defendants on July 29, 2005.
3. Unfortunately, by the beginning of September I had received *no*:
  - a. Response to discovery;
  - b. Request for extension;

- c. Objections to its discovery as of this date.
- 4. After there was no timely response whatsoever to the served discovery, I reached an agreement with the Defendants' Counsel that the Plaintiffs would waive their rights with respect to there being no response made by August 29, 2005. In consideration thereof, the Defendants agreed to waive objections to the discovery and agreed to respond to discovery by September 23, 2005.
- 5. Portions of the written discovery were received by facsimile on September 23, 2005 and remaining portions of the written discovery were received by facsimile yesterday afternoon.
- 6. I have yet to meet with personnel of the Plaintiffs' to review the late received written discovery. After an appropriate review of the written discovery response, some further discovery may be needed.
- 7. I may have to do additional elements of discovery because, somewhat surprisingly, some of the discovery response appears to be at odds with stipulations made in a related criminal case involving the Defendants.
- 8. Despite having just received the written discovery response, I am nonetheless going forward with four depositions tomorrow. After the scheduled depositions, some further discovery may be needed.
- 9. I have conferred with Defendants' Counsel and he assents to the request for extension.
- 10. Take note of the fact that while there have been extensions in the past, these extensions were based upon the fact that the Defendants and/or their relatives were unable to appear at scheduled and noticed depositions and/or there had been no response to written discovery (as opposed to what is now late response).

Respectfully Submitted for the Plaintiff,  
By Its Attorney

10/6/05  
Date

/s/ John M. McLaughlin  
John M. McLaughlin (BBO: 556328)  
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